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**IN THE
COURT OF APPEALS OF INDIANA**

MICHAEL WATKINS,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 49A05-0509-CR-566
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Jane Magnus-Stinson, Judge
Cause No. 49G06-0412-FC-227200

September 29, 2006

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Chief Judge

Michael Watkins appeals his adjudication as an habitual offender¹ claiming there was insufficient evidence presented to link Watkins to two prior unrelated felony convictions.

We affirm.

FACTS AND PROCEDURAL HISTORY

Watkins pled guilty to auto theft as a Class C felony.² After his plea, Watkins waived his right to a jury trial on the habitual offender enhancement and was thereafter adjudged an habitual offender on the basis of robbery convictions in 1995 and 2000.

DISCUSSION AND DECISION

In reviewing sufficiency of the evidence, we neither reweigh the evidence nor judge the credibility of the witnesses. *Lampitok v. State*, 817 N.E.2d 630, 638 (Ind. Ct. App. 2004), *trans. denied*. “We consider only the evidence that is favorable to the judgment along with the reasonable inferences to be drawn therefrom to determine whether there was sufficient evidence of probative value to support a conviction.” *Id.* “We will affirm a conviction if the evidence and inferences establish that a trier of fact could reasonably conclude that the defendant was guilty beyond a reasonable doubt.” *Id.*

Watkins claims the State failed to present sufficient evidence linking him to two prior unrelated felony convictions as required for habitual offender enhancement. In support of his argument, Watkins relies on *United States v. Allen*, 383 F.3d 644, 645 (7th Cir. 2004), in which the court overturned a conviction for possession of a firearm by a felon, because the only evidence to establish that the defendant had a previous felony was

¹ See IC 35-50-2-8.

² See IC 35-43-4-2.5.

that someone with the same name had a felony and that he was arrested on a warrant for that conviction. The Seventh Circuit stated that the mere fact that he was arrested on a warrant for the prior conviction does not establish that he was in fact the one convicted. *Id.* at 649. Additionally, Watkins cites to our own precedent, *Livingston v. State*, 537 N.E.2d 75, 77-78 (Ind. Ct. App. 1998), which states, “in enhancement proceedings . . . mere documentary evidence relating to a conviction of one with the same name as the Defendant is not sufficient to demonstrate that it was the Defendant who was convicted of the prior offense.”

Such is not the case here. In order to prove Watkins’s habitual offender enhancement, the State presented the charging information and probable cause affidavit for his 1995 arrest for robbery, which included his name, general description, and birth date, with the arrest report, which included all of the above, and his social security number, and thumb print that Watkins admitted was his own. The State also introduced the charging information and probable cause affidavit for his 2000 arrest for robbery, theft, resisting arrest and battery, which included his name, general description, and birth date, with the arrest report which included all the above, and his social security number, and thumbprint that Watkins again admitted was his own. Finally, the State presented the Abstract of Judgment for each crime that included Watkins’s name and the cause numbers, which linked Watkins to all the identifiers listed above. “This is sufficient evidence . . . to determine that the [“Michael L. Watkins”] in each charging information is the same individual and that he was convicted of two prior unrelated felonies.” *Lewis v. State*, 769 N.E.2d 243, 247 (Ind. Ct. App. 2002), *trans. denied*.

Affirmed.

SHARPNACK, J., and MATHIAS, J., concur.